

## REMARKS

Claims 1 - 90 are pending. Applicants have consolidated the claims and re-numbered them to make the present review easier.

The rejections of the claims made in the final Office Action of May 22, 2002 in light of the prior art references – Bradshaw (U.S. Patent No. 5,835,722); Duffy et al. (U.S. Patent No. 5,911,043); Mogilevsky (U.S. Patent No. 5,649,222); Newbold (U.S. Patent No. 5,576,955); Ishikawa (U.S. Patent No. 5,812,863) are addressed herein both by argument and amendment.

### SUMMARY OF ARGUMENT

The claims have been amended to better clarify and define the scope of the subject matter which Applicants believe they are entitled to. In particular, the Examiner will note that each independent claim (save for claims 47, 52) has been amended to recite that the examination of content for the electronic documents is performed with reference to “an electronic file.” This plainly distinguishes over Bradshaw for the reasons set out below.

First, the Examiner acknowledges that Duffy is concerned with restricting access to materials after they are created or posted in a public place and not on initial distribution before the document is even published. In fact, as the Examiner can plainly determine, the system in Duffy merely retrieves document from a network (such as the Internet), processes them in accordance with a number of different rule sets, and then generates one or more ratings.

Again, however, any and all documents “rated” by Duffy consist of materials that are already published, and freely available over the Internet. There is no indication anywhere that these ratings of the documents are made “on the fly” so to speak (for example as a user is creating a document) or that such would even be possible given the nature of the evaluation being done on the document.

These ratings are used later by a screening module to determine whether a particular person should be permitted to see a particular document. See e.g., col. 3, ll. 49+; col. 5, ll. 48+; col. 8, ll. 24+. Thus, there is little question but that Duffy is operating on a completed document after it is published, and not on something that is in the process of being created, or even something that has not been published yet to a third party (i.e., an unpublished document).

In rejecting many of the present claims, the Examiner contends (Office Action, page 23) nonetheless that this feature in Duffy could be combined with a “keyboard sentinel” feature noted in Bradshaw, described in detail in col. 8, ll. 24+. As this section of Bradshaw explains, the user’s

input is monitored, as the user enters individual words, to compare such words against a library of prohibited words. When a “match” is found in one of the libraries, a “blocking routine” is invoked, which as explained in the specification, leads to the following unhelpful situations:

“...A user that initiates the blocking routine by inappropriate activity has only two choices , (1) to call a supervisor to disable the system with a password or (2) reboot the computer by ctrl-alt-del, reset, or turning the computer off and on. A supervisor can avoid the monitoring of the computer by closing X-stop.....

Alternate blocking routines may include routines that prevent transmission of prohibited words by deleting them from the keyboard queue, clipboard, etc., without interfering with further operation of the computer, intervening with only a temporary warning screen, or audible warning.” Bradshaw, col. 9, ll. 1 – 10; and ll. 32 – 36.

Notably, because Bradshaw is intended for use primarily in a school internet-access environment, he explicitly mentions that the “alternate” blocking techniques are less desirable, and he specifically notes that it is preferable to cause the user’s machine to freeze up so that a supervisor must unlock the machine and thus prevent experimentation. *See, e.g.*, col. 9, ll. 10 – 31.

In contrast to Duffy, however, the material that runs afoul of the sentinel in Bradshaw is determined by checking a keyboard or clipboard buffer, and such material is not allowed to be included in a document in the first place. Consequently, the Examiner will clearly note that the “keyboard sentinel” in Bradshaw does not actually operate on an “electronic file” or even a “document,” per se, but, rather, only on a limited amount of data that is temporarily buffered in a keyboard buffer or clipboard buffer and not yet part of an electronic file or a document.

Thus, even in combination, the references do not actually teach all the limitations of the claims as presented at this time.

#### DETAILED DISCUSSION FOR CLAIMS

The Examiner’s comments have been addressed before in prior responses, and they are not repeated here. In any event, these contentions are now addressed through amendment and argument as noted herein.

As indicated above, the majority of independent claims have been amended to clarify that the words to be checked or examined are obtained from “an electronic file,” which is clearly not taught or suggested by Bradshaw. Again, in Bradshaw, particular “offending” words are detected only when they are in the keyboard/clipboard buffer.

## CLAIMS 1 - 7

Thus, even Bradshaw and Duffy combined cannot meet the limitation of claim 1:

“...retrieving a word to be word checked **from an electronic file** containing said text of said unpublished electronic document” (emphasis added)

This is because, as noted earlier, Duffy only works on preexisting (published) documents. And as the Examiner can plainly determine, the keyboard/clipboard buffer being examined in Bradshaw is clearly not an “electronic file” under any reasonable interpretation of that term.

The difference is also material from Bradshaw’s perspective because, again, he is trying to intercept any offending material before it even gets into a document. The “sentinel” program illustrated has no function or capability for checking electronic files or documents to control their initial publication.

By checking an “electronic file” (as opposed to a few isolated words in a keyboard buffer or clipboard) all at once (and regardless of the form of such file) nonetheless the present invention clearly presents a distinct advantage over the prior art. To wit, a much more sophisticated distribution policy can be employed when considering publication of an electronic “document,” as opposed to considering isolated input words that are not yet part of a document. Bradshaw assumes that there are no user documents which should be subjected to a more detailed publication policy check, because he is using a tool that works on the user input, even before it ever forms part of the document itself. Accordingly, the present invention addresses a different problem, and affords a different kind of functionality that could be overlaid and used to supplement the types of systems shown in Bradshaw.

The Examiner cites Duffy as curing some of these defects in Bradshaw, but clearly Duffy does not address the aforementioned limitations, and even the two together do not actually teach the claimed combination. Moreover, as noted above, Bradshaw and Duffy operate quite differently, and the latter says nothing about controlling “initial dissemination” of documents, or that the techniques shown therein are applicable to the keyboard monitoring scheme shown in Bradshaw.

It also bears repeating that Bradshaw does not in fact consider the “recipient” of a document when it is checking the document against the library of prohibited words. The Examiner will clearly note that the sentinel acts indiscriminately with respect to the keyboard/buffer data, and does not differentiate based on who the document is intended to go to. This is because, again, Bradshaw is plainly not directed to an intelligent document distribution system: it is merely a raw filter that is set the same way for everyone. Thus, there is no distinction made between users of the system.

Accordingly, as regards claim 1 at least, it also does not teach:

“...an appropriateness rating for a corresponding audience for individual words in said set of words, **such that an individual word can have a plurality of corresponding appropriateness ratings...**” (emphasis added)

Again, the Examiner’s arguments that one skilled in the art would include similar features from Duffy on this point is not supportable from a § 103 perspective, since Bradshaw is diametrically opposed to this type of concept. The use of different distribution policies is clearly advantageous in many contexts, but this fact is not appreciated or disclosed in either Bradshaw or Duffy.

Accordingly, claim 1 is believed to adequately distinguish over the art.

Dependent claim 2 (claim 54 before) is also believed to be allowable at this time, for the same reasons as claim 1, and for the additional reason that the Examiner is incorrect in his suggestion that Bradshaw somehow teaches the use of a “...spell checking routine for determining whether such word has been spelled correctly.” Bradshaw merely checks to see if an input word is on the prohibited word list or not. So, if an input word is not on that list, then Bradshaw ignores it. He does not “check” it with a spell checker, or any other tool that Applicants can determine. Accordingly, the Examiner’s conclusion here is not accurate, and the claim cannot be made obvious by Bradshaw/Duffy.

Dependent claim 3 (claim 55 before) was rejected in light of Bradshaw, Duffy and Newbold. Here, again, the Examiner has combined references in a haphazard fashion, without giving any consideration as to whether one skilled in the art would find any suggestion or motivation to do so. The claim states that:

“... wherein said spell checking routine also presents a first list of alternative words as replacements for said word when it is mis-spelled, and permits a first replacement word to be substituted for said word.”

It is apparent from reading Bradshaw that the system is not designed or intended to be user-friendly (from the perspective of a document drafter), and this is apparent from the treatment it provides for people who accidentally put in inappropriate text (i.e., they are locked out from further access). The Examiner’s Response did not address this rebuttal by the Applicants that one skilled in the art would in fact be led away from incorporating some form of input assistance of the type described in Newbold into Bradshaw. Accordingly, it is submitted that the claim is clearly non-

obvious.

Similarly, dependent claims 4 and 7 (claims 56 and 60 before) should be allowable for the same reasons as set out for claims 1, 3.

Dependent claim 5 (claim 57 before) specifies that the "...word checking routine is also configured to permit a user of the routine to change the appropriateness rating value of a status field for words in said electronic dictionary." Again, this should be allowable for the same reasons as claims 3, 4. The incorporation of teachings from Duffy into Bradshaw is clearly not supported, as the two are directed to different kinds of systems.

Dependent claim 6 (claim 58 before) has been amended and specifies that "...the word checking routine is also configured to check words substantially immediate in time after they are input into said electronic document by a user to allow said user to correct or ignore any word that exceeds said appropriateness rating value." Again in Bradshaw, if an offending word is found, the user is not allowed to "...correct or ignore" such word so this claim should be allowable.

#### CLAIMS 8 – 46, 53 - 90

Independent claims 8, 17, 21, 27, 34, 38, 44, 45, 46, 53, 64, 65, 72, 75, 78, 81, 83, 85, 87, 89 should be allowable for the same reasons as claim 1, and for reasons previously articulated in prior correspondence. These were previously submitted as claims 61, 105, 109, 141, 148, 152, 158, 159, 160, 167, 178, 179, 186, 189, 192, 195, 197, 199, 201 and 203 respectively.

Furthermore, as concerns at least claims 27, 34, 64, 65, 81, 83, 85, 87, 89 the Examiner contends that Bradshaw somehow operates (or can be modified to operate) on a kind of document-by-document basis or recipient-by-recipient basis. The reality, again, is that even if Bradshaw *arguendo* uses different filters, he merely uses the same set of filters for every document being created by a user, and, for that matter, for every user of the system. There is no flexibility to change a filter for a particular document within a system, or for a particular recipient. The Examiner's comment that Bradshaw teaches "custom" filters ignores the fact that Bradshaw is presenting these filters as alternatives for different applications, not as part of a larger collection of filters (or policy

rules) that can be selectively activated within a single system for a particular document, or for a particular recipient.

The claims depending from the aforementioned independent claims (9 – 16, 18 – 20, 22 – 26, 28 – 33, 35 – 37, 39 – 43, 54 – 63, 66 – 71, 73 – 74, 76 – 77, 79 – 80, 82, 84, 86, 88 and 90 respectively) should be allowable for the same reasons as those set out above as well. The Examiner should note that some of the dependent claims have been further amended merely to make them conform more closely to the new language of the claim from which they depend.

#### CLAIMS 47 – 52

These are the only claims that were not amended to specifically recite the aforementioned “electronic file” limitation. The reason for this is quite clear, and that is namely that these claims already fairly patentably distinguish over the prior art for yet other reasons.

These claims correspond to prior claims 161 – 166 and they have been amended slightly to make this distinction more apparent. In particular, claim 47 has been amended to read:

“... allowing the **author to specify one or more word filter dictionaries** to be used for filtering text content of the document, where at least one of said one or more word filter dictionaries is selected based on an intended audience for the electronic document; and

.... permitting the **author to specify a rating threshold** which must be exceeded in order for said text content to be identified as potentially inappropriate;

.... when the word is determined to be offensive and/or potentially inappropriate, **alerting the author**; and

.... wherein a **result of said word checking is communicated to the author while the author is still entering said text content of the document** so that the electronic document is checked before it is disseminated to said intended audience and so as to control initial distribution of such electronic document (emphasis added).

This claim thus makes it quite clear that it is the author of the document (as opposed to a generic user who could be anyone) that is given control over the filtering features, in contrast to Bradshaw where the authors of the documents are clearly NOT given any control over the filtering rules used in creating documents. Nonetheless, the invention of claim 47 as noted above could be easily implemented in the same type of environment as Bradshaw (i.e., by checking something other than an electronic file). Since Bradshaw plainly teaches away from this concept, these claims should be allowed.

Claims 48 – 51 depend from claim 47 and should be allowable for similar reasons.

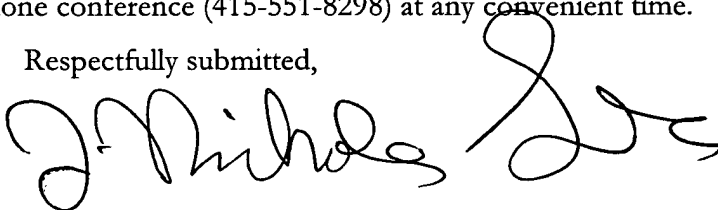
Claim 52 should be allowable for substantially the same reasons as claim 47.

### CONCLUSION

The claims are believed to be allowable over the prior art of record for the reasons set out above. The various claims have been amended to better distinguish over such references for a variety of different reasons. Thus Applicants submit that the present § 103 rejections should be withdrawn.

Should the Examiner believe it that it would be helpful to discuss any of the above points in person, Applicant is open to a telephone conference (415-551-8298) at any convenient time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Nicholas Gross", written in a cursive style.

Date: September 23, 2002

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*I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner of Patents and Trademarks, this 23<sup>rd</sup> of September 2002*